

Senate File 568 - Introduced

SENATE FILE 568
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1237)

A BILL FOR

1 An Act relating to the conduct of elections, including
2 nominations and procedures for proposed amendments to the
3 Iowa Constitution, and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 39.2, subsection 4, paragraph a, Code
2 2021, is amended to read as follows:

3 a. For a county, in an odd-numbered year, the first Tuesday
4 in March, the second Tuesday in September, or the first Tuesday
5 after the first Monday in November. For a county, in an
6 even-numbered year, the first Tuesday in March, or the second
7 Tuesday in September, or the first Tuesday after the first
8 Monday in November.

9 Sec. 2. Section 39.4, Code 2021, is amended to read as
10 follows:

11 **39.4 Proclamation concerning revision of Constitution.**

12 1. In the years in which the Constitution requires, or at
13 other times when the general assembly by law provides for, a
14 vote on the question of calling a convention and revising the
15 Constitution, the governor shall at least sixty days before the
16 general election issue a proclamation directing that at the
17 general election there be proposed to the people the following
18 question:

19 Shall there be a convention to revise the Constitution, and
20 propose amendment or amendments to same?

21 2. The question proposed pursuant to this section shall be
22 considered a public measure for the purposes of sections 49.43
23 through 49.47.

24 Sec. 3. Section 39.11, Code 2021, is amended to read as
25 follows:

26 **39.11 More than one office prohibited.**

27 1. Statewide elected officials and members of the general
28 assembly shall not hold more than one elective office at a
29 time. All other elected officials shall not hold more than
30 one elective office at the same level of government at a time.
31 This section does not apply to the following offices: county
32 agricultural extension council or soil and water conservation
33 district commission.

34 2. Notwithstanding subsection 1, an elected official may
35 hold a second elective office if not more than thirty days

1 remain in the term of the first office and the elected official
2 did not seek reelection for the first office in the most recent
3 election.

4 Sec. 4. Section 39.12, Code 2021, is amended to read as
5 follows:

6 **39.12 Failure to vacate.**

7 An elected official who has been elected to another elective
8 office to which [section 39.11](#) applies shall choose only one
9 office in which to serve unless otherwise permitted pursuant
10 to section 39.11, subsection 2. The official shall resign
11 from all but one of the offices to which [section 39.11](#) applies
12 before the beginning of the term of the office to which the
13 person was most recently elected unless otherwise permitted
14 pursuant to section 39.11, subsection 2. Failure to submit the
15 required resignation will result in a vacancy in ~~all~~ the first
16 ~~elective offices~~ office to which the person was elected.

17 Sec. 5. Section 43.11, subsection 1, Code 2021, is amended
18 to read as follows:

19 1. For an elective county office, in the office of the
20 county commissioner not earlier than ninety-two days nor later
21 than 5:00 p.m. on the ~~sixty-ninth~~ seventy-fourth day before the
22 day fixed for holding the primary election.

23 Sec. 6. Section 43.16, subsection 2, paragraph b, Code 2021,
24 is amended to read as follows:

25 **b.** A person who has filed nomination papers with the
26 commissioner may withdraw as a candidate not later than the
27 ~~sixty-seventh~~ sixty-ninth day before the primary election by
28 notifying the commissioner in writing.

29 Sec. 7. Section 43.23, Code 2021, is amended to read as
30 follows:

31 **43.23 Death or withdrawal of primary candidate.**

32 1. If a person who has filed nomination papers with the
33 state commissioner as a candidate in a primary election dies
34 or withdraws up to the seventy-sixth day before the primary
35 election, the appropriate convention or central committee of

1 that person's political party may designate one ~~additional~~
 2 primary election candidate for the nomination that person
 3 was seeking, if the designation is submitted to the state
 4 commissioner in writing by 5:00 p.m. on the seventy-first day
 5 before the date of the primary election. The name of any
 6 candidate so submitted shall be included in the appropriate
 7 certificate or certificates furnished by the state commissioner
 8 under [section 43.22](#).

9 2. If a person who has filed nomination papers with the
 10 commissioner as a candidate in a primary election dies or
 11 withdraws up to the ~~sixty-seventh~~ sixty-ninth day before
 12 the primary election, the appropriate convention or central
 13 committee of that person's political party may designate one
 14 ~~additional~~ primary election candidate for the nomination
 15 that person was seeking, if the designation is submitted to
 16 the commissioner in writing by 5:00 p.m. on the ~~sixty-third~~
 17 sixty-fourth day before the primary election. The name of
 18 any candidate so submitted shall be placed on the appropriate
 19 ballot or ballots by the commissioner.

20 Sec. 8. Section 43.24, subsection 1, paragraph a, Code 2021,
 21 is amended to read as follows:

22 a. Objections to the legal sufficiency of a nomination
 23 petition or certificate of nomination filed or issued under
 24 this chapter or to the eligibility of a candidate may be filed
 25 in writing by any person who would have the right to vote for
 26 the candidate for the office in question. Objections relating
 27 to incorrect or incomplete information for information that is
 28 required under section 43.14 or 43.18 shall be sustained.

29 Sec. 9. Section 43.24, subsection 1, paragraph b,
 30 subparagraph (2), Code 2021, is amended to read as follows:

31 (2) Those filed with the commissioner, not less than
 32 ~~sixty-four~~ sixty-seven days before the date of the election,
 33 or for certificates of nomination filed under [section 43.23](#),
 34 not less than ~~sixty-two~~ sixty-three days before the date of the
 35 election.

1 Sec. 10. Section 43.78, subsection 2, Code 2021, is amended
2 to read as follows:

3 2. The name of any candidate designated to fill a vacancy
4 on the general election ballot in accordance with subsection
5 1, paragraph "a", "b", or "c" shall be submitted in writing
6 to the state commissioner not later than 5:00 p.m. on the
7 ~~seventy-third~~ seventy-sixth day before the date of the general
8 election.

9 Sec. 11. Section 43.79, Code 2021, is amended to read as
10 follows:

11 **43.79 Death of candidate after time for withdrawal.**

12 The death of a candidate nominated as provided by law for
13 any office to be filled at a general election, during the
14 period beginning on the eighty-first day before the general
15 election, in the case of any candidate whose nomination papers
16 were filed with the state commissioner, or beginning on the
17 ~~seventy-third~~ seventy-fourth day before the general election,
18 in the case of any candidate whose nomination papers were filed
19 with the commissioner, and ending ~~on the last day before at~~
20 the time the polls close on the day of the general election
21 shall not operate to remove the deceased candidate's name from
22 the general election ballot. If the deceased candidate was
23 seeking the office of senator or representative in the Congress
24 of the United States, governor, attorney general, senator or
25 representative in the general assembly or county supervisor,
26 section 49.58 shall control. If the deceased candidate was
27 seeking any other office, and as a result of the candidate's
28 death a vacancy is subsequently found to exist, the vacancy
29 shall be filled as provided by **chapter 69**.

30 Sec. 12. Section 44.4, subsection 2, paragraph a,
31 subparagraphs (1) and (2), Code 2021, are amended to read as
32 follows:

33 (1) Those filed with the state commissioner, not less than
34 ~~sixty-eight~~ seventy-four days before the first Tuesday after
35 the first Monday in June in each even-numbered year, or for

1 certificates of nomination filed under subsection 1, paragraph
 2 "b", not less than seventy-four days before the date of the
 3 election.

4 (2) Those filed with the commissioner, not less than
 5 ~~sixty-four~~ sixty-seven days before the ~~date of the election~~
 6 first Tuesday after the first Monday in June in each
 7 even-numbered year, except as provided in subparagraph (3).

8 Sec. 13. Section 44.6, Code 2021, is amended to read as
 9 follows:

10 **44.6 Hearing before state commissioner.**

11 Objections filed with the state commissioner shall be
 12 considered by the secretary of state and auditor of state and
 13 attorney general, and a majority decision shall be final; but
 14 if the objection is to the certificate of nomination of one
 15 or more of the above named officers, said officer or officers
 16 so objected to shall not pass upon the same, but their places
 17 shall be filled, respectively, by the treasurer of state,
 18 the governor, and the secretary of agriculture. Objections
 19 relating to incorrect or incomplete information for information
 20 that is required under section 44.3 shall be sustained.

21 Sec. 14. Section 44.7, Code 2021, is amended to read as
 22 follows:

23 **44.7 Hearing before commissioner.**

24 Except as otherwise provided in [section 44.8](#), objections
 25 filed with the commissioner shall be considered by the county
 26 auditor, county treasurer, and county attorney, and a majority
 27 decision shall be final. However, if the objection is to the
 28 certificate of nomination of one or more of the above named
 29 county officers, the officer or officers objected to shall not
 30 pass upon the objection, but their places shall be filled,
 31 respectively, by the chairperson of the board of supervisors,
 32 the sheriff, and the county recorder. Objections relating to
 33 incorrect or incomplete information for information that is
 34 required under section 44.3 shall be sustained.

35 Sec. 15. Section 44.8, Code 2021, is amended by adding the

1 following new subsection:

2 NEW SUBSECTION. 3. Objections relating to incorrect or
3 incomplete information for information that is required under
4 section 44.3 shall be sustained.

5 Sec. 16. Section 44.9, subsections 1 and 2, Code 2021, are
6 amended to read as follows:

7 1. In the office of the state commissioner, at least
8 ~~sixty-eight~~ eighty-one days before the date of the election,
9 or for withdrawals of nominations filed under section 44.4,
10 subsection 1, paragraph "b", at least seventy-six days before
11 the date of election.

12 2. In the office of the appropriate commissioner, at least
13 ~~sixty-four~~ seventy-four days before the date of the election,
14 except as otherwise provided in [subsection 6](#).

15 Sec. 17. Section 44.11, Code 2021, is amended to read as
16 follows:

17 **44.11 Vacancies filled.**

18 If a candidate named under [this chapter](#) withdraws or dies
19 before the deadline established in [section 44.9](#), declines a
20 nomination, ~~or dies before election day~~, or if a certificate of
21 nomination is held insufficient or inoperative by the officer
22 with whom it is required to be filed, or in case any objection
23 made to a certificate of nomination, or to the eligibility
24 of any candidate named in the certificate, is sustained by
25 the board appointed to determine such questions, the vacancy
26 or vacancies may be filled by the convention, or caucus, or
27 in such manner as such convention or caucus has previously
28 provided. The vacancy or vacancies shall be filled not less
29 than ~~seventy-four~~ seventy-six days before the election in
30 the case of nominations required to be filed with the state
31 commissioner or not less than seventy-one days for nominations
32 filed under section 44.4, subsection 1, paragraph "b", not less
33 than ~~sixty-four~~ sixty-nine days before the election in the case
34 of nominations required to be filed with the commissioner, not
35 less than forty-two days before the election in the case of

1 nominations required to be filed in the office of the school
2 board secretary, and not less than forty-two days before the
3 election in the case of nominations required to be filed with
4 the commissioner for city elections.

5 Sec. 18. Section 48A.30, subsection 1, paragraph a, Code
6 2021, is amended to read as follows:

7 a. The registered voter dies. For the purposes of this
8 subsection, the commissioner may accept as evidence of death a
9 notice from the state registrar of vital statistics forwarded
10 by the state registrar of voters, a notice from the federal
11 social security administration, a written statement from a
12 person related to the registered voter within the second degree
13 of consanguinity or first degree of affinity, an obituary
14 in a newspaper or that appears on the internet site of a
15 funeral establishment licensed under [chapter 156](#) or by the
16 proper authority of another state, a written statement from an
17 election official or personal representative of the registered
18 voter's estate, or a notice from the county recorder of the
19 county where the registered voter died.

20 Sec. 19. Section 49.31, subsection 2, paragraph c, Code
21 2021, is amended to read as follows:

22 c. On the general election ballot the names of candidates
23 for the nonpartisan offices listed in [section 39.21](#) shall
24 be arranged by drawing lots for position. The commissioner
25 shall hold the drawing on the ~~first business day following the~~
26 ~~deadline for filing of nomination certificates or petitions~~
27 ~~with the commissioner for the general election pursuant to~~
28 ~~[section 44.4](#)~~ sixty-eighth day prior to the first Tuesday after
29 the first Monday in November. If a candidate withdraws, dies,
30 or is removed from the ballot after the ballot position of
31 names has been determined, such candidate's name shall be
32 removed from the ballot, and the order of the remaining names
33 shall not be changed.

34 Sec. 20. NEW SECTION. **49.42B Form of official ballot —**
35 **candidates for president and vice president.**

1 When candidates for president and vice president of the
2 United States appear on the ballot, the following statement
3 shall appear directly above the section of the ballot listing
4 such candidates:

5 [A ballot cast for the named candidates for president and vice
6 president of the United States is considered to be cast for
7 the slate of presidential electors nominated by the political
8 party, nonparty political organization, or independent
9 candidate.]

10 Sec. 21. Section 49.43, subsection 2, Code 2021, is amended
11 to read as follows:

12 2. Constitutional amendments and other public measures ~~may~~
13 shall be summarized by the commissioner as provided in sections
14 49.44 and **52.25**.

15 Sec. 22. Section 49.44, subsection 1, Code 2021, is amended
16 to read as follows:

17 1. When a proposed constitutional amendment or other public
18 measure to be decided by the voters of the entire state is to
19 be voted upon, the state commissioner shall prepare a written
20 summary of the amendment or measure including the number of
21 the amendment or statewide public measure assigned by the
22 state commissioner. The summary shall be printed immediately
23 preceding the text of the proposed amendment or measure on the
24 paper ballot or optical scan ballot referred to in section
25 49.43. If the complete text of the proposed amendment or
26 public measure will not fit on the ballot it shall be posted
27 inside the voting booth. A copy of the full text shall be
28 included with any absentee ballots.

29 Sec. 23. NEW SECTION. **49.47A Public measures —**
30 **notification.**

31 1. For a public measure that is to approve the issuance of
32 a bond, the county commissioner shall mail notification to all
33 registered voters eligible to vote on the public measure not
34 later than twenty days before the election. The notification
35 shall also be posted prominently in the county commissioner's

1 office and on the internet site of the county commissioner
2 beginning twenty days before the election and remaining until
3 the time the polls close.

4 2. Costs for a notification sent or posted pursuant to this
5 section may be charged to the entity requesting the public
6 measure.

7 Sec. 24. Section 49.53, subsection 1, Code 2021, is amended
8 to read as follows:

9 1. The commissioner shall not less than four nor more than
10 twenty days before the day of each election, except those for
11 which different publication requirements are prescribed by law,
12 publish notice of the election. The notice shall ~~contain a~~
13 ~~facsimile of the portion of the ballot containing the first~~
14 ~~rotation as prescribed by section 49.31, subsection 2, and~~
15 ~~shall show list~~ the names of all candidates or nominees and the
16 office each seeks, and all public questions, to be voted upon
17 at the election. ~~The sample ballot published as a part of the~~
18 ~~notice may at the discretion of the commissioner be reduced in~~
19 ~~size relative to the actual ballot but such reduction shall~~
20 ~~not cause upper case letters appearing in candidates' names or~~
21 ~~in summaries of public measures on the published sample ballot~~
22 ~~to be less than nine point type.~~ The notice shall also state
23 the date of the election, the hours the polls will be open,
24 that each voter is required to provide identification at the
25 polling place before the voter can receive and cast a ballot,
26 the location of each polling place at which voting is to occur
27 in the election, and the names of the precincts voting at each
28 polling place, ~~but the statement need not set forth any fact~~
29 ~~which is apparent from the portion of the ballot appearing as~~
30 ~~a part of the same notice.~~ The notice shall include the full
31 text of all public measures to be voted upon at the election.
32 The notice may contain one or more facsimiles of the portion
33 of the ballot containing the first rotation as prescribed by
34 section 49.31, subsection 2.

35 Sec. 25. Section 49.57, subsection 6, Code 2021, is amended

1 to read as follows:

2 6. A portion of the ballot shall include the words "Official
3 ballot", the unique identification number or name assigned by
4 the commissioner to the ballot style, the date of the election,
5 and the ~~impression or likeness of the~~ county seal of the county
6 of the commissioner who has caused the ballot to be printed
7 pursuant to [section 49.51](#).

8 Sec. 26. Section 49.58, subsection 1, Code 2021, is amended
9 to read as follows:

10 1. If any candidate nominated by a political party,
11 as defined in [section 43.2](#), for the office of senator or
12 representative in the Congress of the United States, governor,
13 attorney general, or senator or representative in the general
14 assembly dies during the period beginning on the ~~eighty-eighth~~
15 eighty-first day and ending at the time the polls close on the
16 ~~last day before~~ of the general election, or if any candidate
17 so nominated for the office of county supervisor dies during
18 the period beginning on the ~~seventy-third~~ seventy-fourth day
19 and ending at the time the polls close on the ~~last day before~~
20 of the general election, the vote cast at the general election
21 for that office shall not be canvassed as would otherwise be
22 required by [chapter 50](#). Instead, a special election shall be
23 held on the first Tuesday after the second Monday in December,
24 for the purpose of electing a person to fill that office.

25 Sec. 27. Section 49.75, Code 2021, is amended to read as
26 follows:

27 **49.75 Oath.**

28 Before opening the polls, each of the board members shall
29 take the following oath:

30 I, A. B., do solemnly swear or affirm that I will
31 impartially, and to the best of my knowledge and ability,
32 perform the duties of precinct election official of this
33 election, and will studiously endeavor to prevent fraud,
34 deceit, and abuse in conducting the election.

35 I understand that as a precinct election official, I have

1 access to certain information that is considered confidential
2 and is protected under Code chapters 22, 39A, 48A, and 715C.
3 Due to this protected status, I agree to only release this
4 information in accordance with Iowa law.

5 Additionally, I understand that the prohibition on sharing
6 confidential information extends before and after the hours
7 that my assigned polling place is open.

8 Sec. 28. Section 49.78, subsection 4, Code 2021, is amended
9 to read as follows:

10 4. A person who is registered to vote but is unable
11 to present a form of identification under [subsection 2](#) or
12 3 may establish identity and residency in the precinct by
13 written oath of a person who is also registered to vote in
14 the precinct. Before signing an oath under this subsection,
15 the attesting registered voter shall present to the precinct
16 election official proof of the voter's identity as provided
17 in subsection 2 or 3. The attesting registered voter's oath
18 shall attest to the stated identity of the person wishing to
19 vote and that the person is a current resident of the precinct.
20 The oath must be signed by the attesting registered voter in
21 the presence of the appropriate precinct election official.
22 A registered voter who has signed two oaths on election day
23 attesting to a person's identity and residency as provided in
24 this subsection is prohibited from signing any further oaths as
25 provided in [this subsection](#) on that day.

26 Sec. 29. Section 49A.6, Code 2021, is amended to read as
27 follows:

28 **49A.6 Certification — sample ballot.**

29 The state commissioner of elections shall, not less than
30 ~~sixty-nine~~ sixty-three days preceding any election at which a
31 constitutional amendment or public measure is to be submitted
32 to a vote of the entire people of the state, transmit to the
33 county commissioner of elections of each county a certified
34 copy of the amendment or measure and a sample of the ballot to
35 be used in such cases, prepared in accordance with law.

1 Sec. 30. Section 50.11, subsection 1, Code 2021, is amended
2 to read as follows:

3 1. When the canvass is completed one of the precinct
4 election officials shall publicly announce the total number of
5 votes received by each of the persons voted for, the office for
6 which the person is designated, as announced by the designated
7 tally keepers, and the number of votes for, and the number of
8 votes against, any proposition which shall have been submitted
9 to a vote of the people. A precinct election official ~~shall~~
10 may, at the request of the commissioner who is conducting
11 the election, communicate the election results by telephone
12 ~~or~~ and shall deliver the election results in person pursuant
13 to section 50.14 to the commissioner who is conducting the
14 election immediately upon completion of the canvass.

15 Sec. 31. Section 50.12, Code 2021, is amended to read as
16 follows:

17 **50.12 Return and preservation of ballots.**

18 Immediately after making the proclamation, and before
19 separating, the board members of each precinct in which votes
20 have been received by paper ballot shall enclose in an envelope
21 or other container all ballots which have been counted by them,
22 except those endorsed "Rejected as double", "Defective", or
23 "Objected to", and securely seal the envelope. The signatures
24 of all board members of the precinct shall be placed across
25 the seal or the opening of the container so that it cannot
26 be opened without breaking the seal. The precinct election
27 officials, or a precinct election official not delivering
28 election results in person pursuant to section 50.14, shall
29 return all the ballots to the commissioner on the night of the
30 election, who and the commissioner shall carefully preserve
31 them for six months. Ballots from elections for federal
32 offices shall be preserved for twenty-two months. The sealed
33 packages containing voted ballots shall be opened only for
34 an official recount authorized by [section 50.48](#), [50.49](#), or
35 [50.50](#), for an election contest held pursuant to chapters 57

1 through 62, to conduct an audit pursuant to [section 50.51](#), or
2 to destroy the ballots pursuant to [section 50.19](#).

3 Sec. 32. NEW SECTION. **50.14 Return of results.**

4 When election results are delivered in person to the
5 commissioner who is conducting the election, the printed
6 results and memory device of the voting equipment shall be
7 returned to the commissioner on election night by two precinct
8 election officials who shall be of different political parties
9 in the case of a partisan election, or by a person designated
10 by the commissioner, including but not limited to a state or
11 local law enforcement officer. The printed results and memory
12 device shall be returned in a securely sealed envelope with the
13 signatures of all board members of the precinct placed across
14 the seal so that the envelope cannot be opened without breaking
15 the seal.

16 Sec. 33. Section 50.17, Code 2021, is amended to read as
17 follows:

18 **50.17 Return of election register.**

19 The precinct election register prepared for each election,
20 together with the ballots to be returned pursuant to section
21 50.12, if any, and the signed and attested tally list, shall be
22 delivered to the commissioner by one of the precinct election
23 officials ~~by noon of the day following the election~~ who does
24 not deliver the election results in person pursuant to section
25 50.14.

26 Sec. 34. Section 50.23, Code 2021, is amended to read as
27 follows:

28 **50.23 Messengers for missing tally lists.**

29 The commissioner shall send messengers for all tally lists
30 not received in the commissioner's office ~~by noon of the day~~
31 ~~following the election~~ on the night of the election. The
32 expense of securing such tally lists shall be paid by the
33 county.

34 Sec. 35. Section 50.24, subsection 2, Code 2021, is amended
35 to read as follows:

1 2. Upon convening, the board shall open and canvass the
 2 tally lists and shall prepare abstracts stating the number of
 3 votes cast in the county, or in that portion of the county
 4 in which the election was held, for each office and on each
 5 question on the ballot for the election. The board shall
 6 contact the chairperson of the special precinct board before
 7 adjourning and include in the canvass any write-in votes
 8 tallied and recorded by the special precinct board or any
 9 absentee ballots which were received after the polls closed in
 10 accordance with [section 53.17](#) and which were canvassed by the
 11 special precinct board after election day. The abstract shall
 12 further indicate the name of each person who received votes for
 13 each office on the ballot, and the number of votes each person
 14 named received for that office, and the number of votes for and
 15 against each question submitted to the voters at the election.
 16 The votes of all write-in candidates who each received less
 17 than five percent of the votes cast for an office or who
 18 each received fewer than ten votes and was not determined to
 19 be elected shall be reported collectively under the heading
 20 "scattering".

21 Sec. 36. Section 50.51, subsection 5, Code 2021, is amended
 22 to read as follows:

23 5. In advance of ~~any~~ all other ~~election~~ elections, the state
 24 commissioner ~~may~~ shall order an audit of the election in the
 25 manner provided in [this section](#).

26 Sec. 37. Section 53.17A, Code 2021, is amended by adding the
 27 following new subsection:

28 NEW SUBSECTION. 4. The state commissioner shall by February
 29 26, 2024, include on the state commissioner's internet site
 30 an application through which a voter can track the voter's
 31 absentee ballot request form and absentee ballot. The
 32 application shall provide all of the following information:

33 a. Whether the voter returned a ballot in person, by mail,
 34 or by voting in person at a satellite location.

35 b. The date the absentee ballot request form was received by

1 the county commissioner.

2 *c.* The date the absentee ballot was mailed or given to the
3 voter.

4 *d.* The date the absentee ballot was received by the county
5 commissioner.

6 *e.* The date the county commissioner opened the outer
7 envelope.

8 *f.* Whether there is a problem with the absentee ballot
9 request form or absentee ballot that requires correction by the
10 voter, along with instructions for the voter to contact the
11 county commissioner as soon as possible to resolve the issue.

12 Sec. 38. Section 53.49, Code 2021, is amended to read as
13 follows:

14 **53.49 Applicable to armed forces and other citizens.**

15 The provisions of [this subchapter](#) as to absent voting shall
16 apply only to absent voters in the armed forces of the United
17 States as defined for the purpose of absentee voting in section
18 53.37. The provisions of sections 53.1 through ~~53.34~~ 53.33
19 shall apply to all other voters not members of the armed forces
20 of the United States.

21 Sec. 39. Section 54.9, Code 2021, is amended to read as
22 follows:

23 **54.9 Compensation.**

24 The electors shall each receive a compensation of
25 ~~five dollars~~ one-half of the federal general services
26 administration's per diem rate for the relevant date and
27 location for every day's attendance, and the same mileage as
28 members of the general assembly which shall be paid from funds
29 not otherwise appropriated from the general fund of the state.

30 Sec. 40. Section 99F.7, subsection 11, paragraph a, Code
31 2021, is amended to read as follows:

32 *a.* A license to conduct gambling games in a county shall
33 be issued only if the county electorate approves the conduct
34 of the gambling games as provided in [this subsection](#). The
35 board of supervisors, upon receipt of a valid petition meeting

1 the requirements of [section 331.306](#), and subject to the
 2 requirements of paragraph "e", shall direct the commissioner of
 3 elections to submit to the registered voters of the county a
 4 proposition to approve or disapprove the conduct of gambling
 5 games in the county. The proposition shall be submitted at an
 6 election held on a date specified in section 39.2, subsection
 7 4, paragraph "a". ~~To be submitted at a general election, the~~
 8 ~~petition must be received by the board of supervisors at least~~
 9 ~~five working days before the last day for candidates for county~~
 10 ~~offices to file nomination papers for the general election~~
 11 ~~pursuant to [section 44.4](#).~~ If a majority of the county voters
 12 voting on the proposition favor the conduct of gambling games,
 13 the commission may issue one or more licenses as provided in
 14 this chapter. If a majority of the county voters voting on
 15 the proposition do not favor the conduct of gambling games, a
 16 license to conduct gambling games in the county shall not be
 17 issued.

18 Sec. 41. Section 277.4, subsection 4, Code 2021, is amended
 19 to read as follows:

20 4. Any person on whose behalf nomination petitions have
 21 been filed under [this section](#) may withdraw as a candidate by
 22 filing a signed statement to that effect with the secretary at
 23 ~~any time prior to 5:00 p.m. on the thirty-fifth day before the~~
 24 election consistent with section 44.9, subsection 5.

25 Sec. 42. Section 331.552, subsection 4, Code 2021, is
 26 amended to read as follows:

27 4. a. Keep the official county seal provided by the county.
 28 The official seal shall be an impression seal on the face of
 29 which shall appear the name of the county, the word "county",
 30 which may be abbreviated, and the word "Iowa". A county shall
 31 have only one official county seal.

32 b. Notwithstanding paragraph "a", the county commissioner
 33 of elections may use a facsimile of the official county seal
 34 or a modified facsimile of the official county seal for the
 35 purposes of election duties set forth in sections 43.36 and

1 49.51, and section 49.57, subsection 6. If modified, the
 2 county seal shall contain the name of the county, the word
 3 "county", which may be abbreviated, the word "auditor", which
 4 may be abbreviated, and the word "Iowa".

5 Sec. 43. Section 347.25, subsection 1, Code 2021, is amended
 6 to read as follows:

7 1. The election of hospital trustees whose offices are
 8 established by **this chapter** or **chapter 145A** or **347A** shall
 9 take place at the general election on ballots which shall
 10 not reflect a nominee's political affiliation. Nomination
 11 shall be made by petition in accordance with **chapter 45**. The
 12 petition form shall be furnished by the county commissioner
 13 of elections, shall be signed by fifty eligible electors of
 14 the county, and shall be filed with the county commissioner
 15 of elections at least sixty-nine days before the date of
 16 the election. A plurality is sufficient to elect hospital
 17 trustees.

18 Sec. 44. Section 376.5, Code 2021, is amended to read as
 19 follows:

20 **376.5 Publication of ballot.**

21 ~~Notice containing a copy of the ballot~~ for each regular,
 22 special, primary, or runoff city election ~~must~~ shall be
 23 published by the county commissioner of elections as provided
 24 in **section 362.3**, except that notice of a regular, primary, or
 25 runoff election may be published not less than four days before
 26 the date of the election. The published notice ~~must contain~~
 27 list the names of all candidates, and may not contain any party
 28 designations. The published notice ~~must contain~~ include any
 29 question to be submitted to the voters. The notice may contain
 30 one or more facsimiles of the portion of the ballot containing
 31 the first arrangement of candidates as prescribed by section
 32 49.31, subsection 2.

33 Sec. 45. REPEAL. Sections 43.80, 49A.10, 49A.11, and 53.34,
 34 Code 2021, are repealed.

35 Sec. 46. REPEAL. 2017 Iowa Acts, chapter 155, section 1,

1 is repealed.

2 Sec. 47. EFFECTIVE DATE.

3 1. Except as otherwise provided, this Act, being deemed of
4 immediate importance, takes effect upon enactment.

5 2. The following take effect January 1, 2022:

6 a. The section of this Act amending section 43.11,
7 subsection 1.

8 b. The section of this Act amending section 43.16,
9 subsection 2, paragraph "b".

10 c. The section of this Act amending section 43.24,
11 subsection 1, paragraph "b", subparagraph (2).

12 d. The section of this Act amending section 43.78,
13 subsection 2.

14 e. The section of this Act amending section 43.79.

15 f. The section of this Act amending section 44.4, subsection
16 2, paragraph "a", subparagraphs (1) and (2).

17 g. The section of this Act amending section 44.9,
18 subsections 1 and 2.

19 h. The section of this Act amending section 44.11.

20 i. The section of this Act amending section 49.58,
21 subsection 1.

22 j. The section of this Act amending section 50.51,
23 subsection 5.

24 EXPLANATION

25 The inclusion of this explanation does not constitute agreement with
26 the explanation's substance by the members of the general assembly.

27 This bill is related to the conduct of elections. The bill
28 adds the first Tuesday after the first Monday in November of an
29 even-numbered year as an available date for a county to hold a
30 special election on a public measure.

31 The bill requires a question of whether a convention should
32 be called to revise the Iowa Constitution, which is required
33 by the Constitution of the State of Iowa to be submitted every
34 decade, to be treated the same as a public measure on a ballot.

35 The bill allows an elected official to be elected to and

1 simultaneously serve in a second office if there is not more
2 than thirty days remaining in the term of the first office
3 and the official has not sought reelection in the most recent
4 election to the first office.

5 The bill provides that if a person is elected to multiple
6 incompatible elective offices and the person does not resign
7 from all but one of the elective offices, there shall be a
8 vacancy in the first office to which the person was elected.
9 Under current law, a vacancy occurs in all of the offices to
10 which the person was elected.

11 The bill changes the deadline for the filing and withdrawal
12 of nomination papers for primary elections, as well as the
13 filing of objections to the nominations of candidates. The
14 bill requires objections to the form of nomination papers or
15 the affidavit of candidacy to be sustained. The bill also
16 changes the timeline for the replacement of a candidate who
17 withdraws from a primary or general election or dies.

18 The bill allows a county commissioner of registration to
19 cancel a voter's registration if the commissioner receives
20 notice of the voter's death from the federal social security
21 administration.

22 The bill sets the date for the drawing of lots for the
23 arrangement of candidates on a nonpartisan ballot to the 68th
24 day prior to the first Tuesday after the first Monday in
25 November.

26 The bill requires a ballot for president and vice president
27 of the United States to disclose that a vote for such
28 candidates is a vote for the slate of electors selected by the
29 organization nominating such candidates.

30 The bill requires constitutional amendments and public
31 measures to be summarized by the state commissioner of
32 elections. Current law allows the commissioner to summarize
33 constitutional amendments and public measures.

34 The bill requires the text of a proposed constitutional
35 amendment to be posted inside the voting booth if the entire

1 amendment will not fit on the ballot.

2 For an election for a public measure to approve the
3 issuance of a bond, the bill requires the county commissioner
4 of elections to send notification to all voters eligible
5 to vote on the measure not later than 20 days before the
6 election and to post the notification in the office of the
7 county commissioner and on the internet site of the county
8 commissioner. The bill allows the costs of such a notification
9 to be charged to the entity requesting the public measure.

10 The bill changes the deadline by the which the state
11 commissioner of elections must transfer to county commissioners
12 of elections certified copies of proposed constitutional
13 amendments and public measures from 69 days preceding an
14 election to 63 days preceding an election.

15 Not less than 4 nor more than 20 days before an election,
16 the bill requires the county commissioner of elections to
17 publish notice of the election containing a list of candidates
18 and public measures to be voted upon. The bill allows the
19 notice to contain a facsimile of the portion of the ballot
20 containing the rotation of candidates. Current law requires
21 the notification to include such a facsimile.

22 The bill adds provisions regarding the safeguarding of
23 confidential information to the oath taken by precinct election
24 officials.

25 The bill requires a voter who is attesting to the
26 identity of a registered voter who is unable to produce voter
27 identification to first provide proof of the attesting voter's
28 identity.

29 The bill alters the requirements for the return of election
30 results to the county commissioner of elections. If election
31 results are communicated to the county commissioner in person,
32 the bill requires two precinct election officials to return the
33 election results and the memory device used by voting equipment
34 to the county commissioner in a sealed envelope signed by each
35 precinct election official on the night of the election. The

1 two precinct election officials shall be of different political
2 parties in the case of a partisan election. The bill allows
3 the county commissioner to designate an alternative person to
4 return the election results and memory device, including but
5 not limited to a state or local law enforcement officer. The
6 bill requires a third precinct election official to return
7 the ballots and election register to the county commissioner.
8 The bill also requires ballots to be returned to the county
9 commissioner on the night of the election. The bill allows
10 election results to be returned by telephone only at the
11 request of the county commissioner.

12 The bill requires a county board of supervisors to report
13 write-in candidates who received fewer than 10 votes and were
14 not elected under the collective heading "scattering" when
15 canvassing votes after an election.

16 The bill requires the state commissioner of elections to
17 order election audits prior to all elections other than general
18 elections. This provision of the bill takes effect January 1,
19 2022.

20 The bill requires the state commissioner of elections to
21 develop an internet application to allow a voter to track the
22 voter's absentee ballot request form and absentee ballot by
23 February 26, 2024. The application must also inform a voter
24 of an error in the voter's application or ballot that requires
25 correction by the voter.

26 The bill changes the compensation rate for presidential
27 electors from \$5 per day of attendance to one-half of the
28 relevant federal general services administration per diem rate.

29 The bill removes a special deadline for the receipt of
30 petitions for ballot propositions to approve the conduct of
31 gambling games in a county. The bill requires such petitions
32 to be submitted as required for other petitions.

33 The bill changes the withdrawal deadline for candidates for
34 school district office from 35 days before the election to 25
35 days before the election.

1 The bill prohibits a county from having more than one
2 official seal. However, the bill allows a county commissioner
3 of elections to use a facsimile or modified facsimile of a
4 county seal for the purposes of election duties, provided that
5 a modified facsimile contain the words "county" and "auditor",
6 which may be abbreviated, and the word "Iowa".

7 The bill requires a nomination petition for a hospital
8 trustee to be filed with the county commissioner of elections
9 at least 69 days before the date of the election.

10 The bill repeals a Code section relating to vacancies in
11 nominations of presidential electors. The bill also repeals
12 a provision of law making the willful false swearing of an
13 affidavit a fraudulent practice. The bill repeals a Code
14 section authorizing a taxpayer to file a suit to test the
15 legality of a proposed constitutional amendment and a Code
16 section relating to the parties in such a suit.

17 The bill repeals a section of 2017 Iowa Acts, chapter 155,
18 that was not codified and is inconsistent with current law.

19 The bill includes an effective date of January 1, 2022, for
20 sections of the division relating to ballot vacancies. The
21 other provisions of the bill take effect upon enactment except
22 as otherwise noted.